

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

KENNETH FLEMING, JOHN DOE, R.K.
and T.D.

NO. 04-2338 RSM

CORPORATION OF THE PRESIDENT OF
THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, a/k/a "MORMON CHURCH"; LDS
SOCIAL SERVICES a/k/a LDS FAMILY
SERVICES, a Utah corporation

**DEFENDANTS' MOTION
FOR LEAVE TO FILE
OVERLENGTH BRIEF**

NOTE ON CALENDAR: JANUARY 5, 2006

Defendants.

I. RELIEF REQUESTED

Defendants respectfully request, pursuant to CR 7(e)(f), an order granting leave to file an over-length brief of approximately 31 pages on its consolidated Motions for Summary Judgment.

II. FACTUAL BACKGROUND

This case is scheduled to be called for trial on May 22, 2006. The current dispositive motions deadline is January 6, 2005. There are multiple legal bases to seek dismissal of plaintiffs' claims. Rather than file multiple motions for summary judgment

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with redundant statements of fact, etc. (each of which standing alone would easily fit within the page limitation requirements), defendants have elected to consolidate all but one of the motions. While this will require the filing of an overlength brief, this is the most efficient and economical manner in which to proceed.

III. ARGUMENT

The decision whether to permit filing of an over-length is within the discretion of the District Court, and the alternative of filing multiple separate motions for summary judgment would actually result in additional pages for the court's to review in ruling on the pending motions.

IV. CONCLUSION

Based upon the foregoing, defendants respectfully request that the court permit defendants to file an over-length consolidated Motion for Summary Judgment.

DATED this 5th day of January, 2006.

STAFFORD FREY COOPER

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Certificate of Service

The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled MOTION FOR LEAVE TO FILE AN OVERLENGTH BRIEF on the following individuals:

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DATED this 5th day of January, 2005, at Seattle, Washington.

/s/ Marcus B. Nash via ECF
Marcus B. Nash, WSBA #14471